

1 JENNIFER LEE TAYLOR (CA SBN 161368)
 JTaylor@mofo.com
 2 LINDSAY T. BRAUNIG (CA SBN 244125)
 LBraunig@mofo.com
 3 MORRISON & FOERSTER LLP
 425 Market Street
 4 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 5 Facsimile: 415.268.7522

6 LEE J. EULGEN (*pro hac vice*)
 leulgen@ngelaw.com
 7 SARAH E. SMITH (*pro hac vice*)
 ssmith@ngelaw.com
 8 GREGORY J. LEIGHTON (*pro hac vice*)
 gleighton@ngelaw.com
 9 NEAL, GERBER & EISENBERG LLP
 2. N. LaSalle Street, Suite 1700
 10 Chicago, Illinois 60602-3801
 Telephone: 312.269.8000
 11 Facsimile: 312.269.1747

12 Attorneys for Plaintiff
 AOL INC.

13 JAMES MCMANIS (CA SBN 40958)
 jmcmanis@mcmanislaw.com
 14 TYLER ATKINSON (CA SBN 257997)
 tatkinson@mcmanislaw.com
 15 McMANIS FAULKNER
 A Professional Corporation
 16 50 West San Fernando Street, 10th Floor
 17 San Jose, California 95113
 Telephone: 408.279.8700
 18 Facsimile: 408.279.3244

19 Attorneys for Defendant
 Morgan Slade

21 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN FRANCISCO DIVISION

23 AOL INC., a Delaware corporation,
 24 Plaintiff,

25 v.

26 MORGAN SLADE D/B/A
 THEKITCHENDAILY.COM and DOES 1
 27 through 10,
 Defendants.

Case No. C 10-01992 WHA

~~PROPOSED~~ STIPULATED
 DISMISSAL ORDER

1 Plaintiff, AOL Inc. (“AOL”), and Defendant, Morgan Slade (“Slade”), by their respective
2 attorneys and pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby stipulate
3 to the voluntary dismissal of the present action and state as follows:

4 1. On July 23, 2010, AOL and Slade entered into a Settlement Agreement
5 concerning the above-captioned action (the “Settlement Agreement”).

6 2. Pursuant to the terms of the Settlement Agreement, the parties seek dismissal of
7 this action.

8 3. Notwithstanding the foregoing, several terms and conditions of the Settlement
9 Agreement remain to be fulfilled, and the parties request the Court to retain jurisdiction over this
10 matter to enforce the parties’ Settlement Agreement under the authority of *Kokkonen v.*
11 *Guardian Life Insurance Company of America*, 511 U.S. 375, 381-82 (1984).

12 WHEREFORE, the parties respectfully request that this Court issue an Agreed
13 Order of Dismissal, and retain jurisdiction over the parties to enforce the terms of their
14 Settlement Agreement for the reasons stated herein.

15 **IT IS SO STIPULATED.**

16 Dated: August 3, 2010

MORRISON & FOERSTER LLP

17 By: /s/ Jennifer Lee Taylor
18 JENNIFER LEE TAYLOR

19 Attorneys for Plaintiff
AOL Inc.

20 Dated: August 3, 2010

McMANIS FAULKNER

21 By: /s/ Tyler Atkinson
22 TYLER ATKINSON

23 Attorneys for Defendant
24 Morgan Slade

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

While the stipulation is approved, the Court declines to retain jurisdiction to enforce terms of a settlement agreement it has neither seen nor approved. That aside, the case is dismissed pursuant to the above stipulation. **THE CLERK SHALL CLOSE THE FILE.**

IT IS SO ORDERED.

Dated: August 4, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE